

REMARKS

Claims 13 and 15-19 are pending. An indication that the pending claims were allowable was received from the U.S. Patent and Trademark Office (see Interview Summary dated September 28, 2004 and page 2, first paragraph of the Office Action of October 13, 2004). By the Office Action dated October 13, 2004, claims 13 and 15-19 were again rejected on the grounds of improper recapture of allegedly surrendered claimed subject matter under 35 USC §251. The Examiner stated that Claim 2 (of paper #8) included "angle being in the range of 90 to 120 degrees". The Examiner contented that cancellation of claim 2 is surrender of subject matter stated therein.

Applicant respectfully disagrees with the rejection as such ground of rejection was responded to in the Appeal Brief dated April 6, 2001, for example, in section C, pages 6 to 12. The Appeal Brief is restated herein. Further, a review of the prosecution history shows that the cancellation of the then claim 2, along with other claims, did not gain allowance of the application. The application was allowed based on subsequent prosecution and amendments unrelated to the top angle range. Thus, there was no intention on the part of the Applicant to abandon the subject matter claimed in the then claim 2.

Applicant had intended to appeal the rejection in the Office Action of October 13, 2004, but upon realizing that only claims 13 and 15-19 are pending (along with the patented claims 1-7), Applicant reasserts the claims that were pending at the time of appeal on or about April 6,

2001 for continuing prosecution and possible appeal. The reasserted claims are presented herein as new claims 42 to 60.

For the foregoing reasons, the Examiner's reconsideration of the rejection of claims 13 and 15-19 is respectfully requested. The Examiner is invited to contact the undersigned with any questions in connection with this matter.

Respectfully submitted,



Frank Chau

Reg. No. 34,316

Attorney for Applicant(s)

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, NY 11797
TEL.: (516) 692-8888
FAX: (516) 692-8889